

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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DATE FILED: 2/19/20

VICKI WEATHERSBY, *on behalf of himself
and those similarly situated,*

Plaintiff,

v.

GENCO IMPORTING INC., *doing business
as MANITOBA'S*; RICHARD MANITOBA,
individually,

Defendants.

No. 19-CV-11742 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

It has been reported to the Court that an agreement to settle this matter has been reached in this Fair Labor Standards Act ("FLSA") case. No later than March 20, 2020, the parties shall take one of the following three actions:

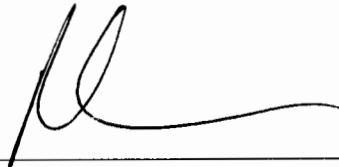
1. Submit a joint letter setting forth their views as to why their settlement is fair and reasonable and should be approved, accompanied by all necessary supporting materials. In light of the presumption of public access attaching to "judicial documents," *see Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006), the parties are advised that materials on which the Court relies in making its fairness determination will be placed on the public docket, *see Wolinsky v. Scholastic Inc.*, No. 11-CV-5917 (JMF), 2012 WL 2700381, at *3-7 (S.D.N.Y. July 5, 2012).
2. Submit a stipulation or notice of voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41.¹

¹ The parties may not stipulate to dismissal with prejudice without the Court's approval of the settlement. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

3. Consent to conducting all further proceedings before Magistrate Judge Fox by completing the attached consent form, which is also available at <http://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge>. As the form indicates, no adverse substantive consequences will arise if the parties choose not to proceed before Judge Fox.

SO ORDERED.

Dated: February 19, 2020
New York, New York



Ronnie Abrams
United States District Judge